Quarterly Report

OF THE

ATTORNEY GENERAL

OF

ALABAMA

FOR THE PERIOD

FROM APRIL 1, 1976
THROUGH JUNE 30, 1976

WILLIAM J. BAXLEY, Attorney General

VOLUME 163

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QUARTERLY REPORT

of the

ATTORNEY GENERAL

of

ALABAMA

For the Period

From April 1, 1976

Through June 30, 1976

TO THE STATE, COUNTY, AND MUNICIPAL OFFICERS OF ALABAMA:

This Quarterly Report of the Attorney General of Alabama, which includes all official opinions rendered by the Attorney General from April 1, 1976 through June 30, 1976, is published in compliance with the provisions of Title 55, Section 228 Code of Alabama, 1940.

Under this section of the Code, I am required to send seven copies of this Quarterly Report to each judge of probate in the State, and the judge of probate, in turn, is required to deliver one copy each to the clerk of the circuit court, the sheriff, the tax collector, the tax assessor, the county superintendent of education, and the deputy district attorney of his county. The section also requires that I send a copy of this report to each district attorney and the chief executive officer of each incorporated municipality in the State.

The office of the Attorney General is anxious to render prompt and efficient service to the State, County, and municipal officials. If you have any suggestions to make regarding the improvement of the service, I shall be glad to hear from you.

Sincerely,

WILLIAM J. BAXLEY

Attorney General

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April 14, 1976

Honorable Charles A. Boswell
Commissioner of Revenue
204 Administrative Building
Montgomery, Alabama 36130

CERTIFICATE OF TITLE LAW—MOTOR VEHICLES
Manufacturer's statement of origin for used motor homes discussed.

Opinion by Assistant Attorney General Burson

Dear Mr. Boswell:

In your request for opinion you state as follows:

> "What would be the legal implication of a motor home manufacturer constructing a motor home on a used chassis and designating the motor home as the model year in which the home was completed.
>
> Your answer to this question is necessary in order that proper processing of motor vehicle registration may proceed."

The answer to this question in the request for opinion must be answered by the concept of full disclosure. If a new motor home is constructed on a "used" 1974 or prior year model "chassis vehicle", the chassis shall be accompanied by a copy of the notarized bill of sale of said motor vehicle whereby the applicant claims title or certificate of title from any other jurisdiction where this chassis vehicle was previously titled or certified copies of the last two (2) years license tag and tax receipts and such other information as the Department may reasonably require to identify the vehicle and to enable the Department to determine the ownership of the chassis vehicle and the existence or non-existence of security interest in it. The "motor home manufacturer" shall provide a certified manufacturer's statement of origin. The bill of sale, license tag and tax receipt or the certificate of title would disclose the year of manufacturer or year model of the chassis and the home (body) manufacturer's statement of origin would disclose the year model of the motor home. The full disclosure by the manufacturer of the motor home, by the owner of the used chassis, and by the seller to the purchaser and by all parties to the Department of Revenue would limit the possibility of fraud.

Thus, the principle of full disclosure in the instance of a motor home built on a used chassis will satisfy the requirements under the Alabama Certificate of Title Law.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

April 14, 1976

Honorable Charles A. Boswell
Commissioner of Revenue
204 Administrative Building
Montgomery, Alabama 36130

CERTIFICATE OF TITLE LAW—MOTOR VEHICLES
Under the Alabama Certificate of Title Law both the motor home and the chassis upon which it is constructed shall have a manufacturer's statement of origin disclosing the model year of each.

Opinion by Assistant Attorney General Burson

Dear Mr. Boswell:

In your request for opinion you state as follows:

> "It is customary in the manufacture of motor homes for the chassis to be manufactured by one entity and the motor home to be manufactured by a second entity. For example, the attached correspondence refers to a motor home constructed on a Dodge chassis. The chassis is a product of Chrysler corporation. Any number of motor home builders around the United States purchase the chassis from Chrysler and place motor homes thereon.
>
> The question arises concerning the year model which will be assigned to a motor home. For instance the chassis may be manufactured by Chrysler or another major motor vehicle manufacturer in 1976 and hundreds of chassis sold to motor home manufacturers. The motor home manufacturer may not complete the construction of a motor home thereon until 1977 or 1978.
>
> Thus, the question, i.e., is it legal for the motor home manufacturer to designate a motor home completed in 1977 and constructed on a 1976 chassis as a 1977 motor home?
>
> Your answer to this question is necessary in order that proper processing of motor vehicle registration may proceed."

Your questions concerning motor homes and what model year they will be given under the Certificate of Title Law, Section 167, et seq., Title 36, Code of Alabama 1940, Recompiled 1958, 1973 Pocket Part, are unique insofar as Alabama Law and opinion are concerned and, likewise, appear to be somewhat unique insofar as all courts in the United States are concerned. The uniqueness is occasioned by the fact that motor homes are a relatively new concept within the United States. One case on the subject of motor homes, **River Oaks Motor Homes, Inc. v. Winnebago Industries, Inc.**, 371 F.Supp. 137, (1974), stated, in part, as follows:

> "The first motor homes were built in the United States in 1958. Winnebago began manufacturing motor homes in 1965. At present there are about two hundred manufacturers of all types of motor homes. Winnebago is the largest manufacturer with approximately twenty percent of the market."

The River Oaks Motor Homes, Inc. case, supra, likewise provides a definition of a motor home as follows:

> "A motor home is a self-propelled vehicle which contains complete living facilities, including kitchen, dining, sleeping and bathroom facilities. It is designed not only to transport passengers but also to house them on a temporary basis."

The **River Oaks Motor Home** case, supra, construed the Automobile Dealers' Day in Court Act, Section 1(a), 2, 15 U.S.C.A., Sections 1221(a) and 122 and the Court held that motor home was not within the purview of the definition of automotive vehicle as contained in the Automobile Dealers Day in Court Act.

Section 168, Title 36, Code of Alabama 1940, Recompiled 1958, 1973 Pocket Part, provides for each motor vehicle to have a certificate of title. The section provides as follows:

> "(a) Except as provided in section 169 of this title, every owner of a motor vehicle designated a 1975 year model, and all models subsequent thereto which is in this state and which is required to be registered under the motor vehicle laws of this state and for which no certificate of title has been issued by the department, shall make application to a designated agent as herein defined for a certificate of title to the vehicle.
>
> "(b) Any dealer, acting for himself or another, who sells, trades or otherwise transfers any vehicle required to be titled under this chapter who does not comply with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not exceeding five hundred dollarms ($500.00)."

Section 171, Title 36, Code of Alabama 1940, Recompiled 1958, 1973 Pocket Part, is concerned with the "application for first certificate." Section 171(c), supra, provides as follows:

> "If the application is for a new vehicle, it shall be accompanied by the certified manufacturer's statement of origin showing proper assignments to the applicant and a copy of each security interest document. The manufacturer upon the shipment of a motor vehicle into this state shall forthwith furnish the dealer with such a certified statement of origin."

It will be noted that the section requires a certified manufacturer's statement of origin. In the instance of a new chassis for a motor home and a motor home thereon, two manufacturers statements of origin would be required, one by the manufacturer of the chassis and one by the manufacturers of the motor home placed upon the chassis.

As indicated in the request for opinion and in the attached material, including a letter of September 8, 1975 from Roebert T. Talbot-Stern of Chrysler Corporation's Office of General Attorney, the State of Alabama Revenue Department, all major manufacturer's of motor vehicle chassis and the manufacturer's of motor home bodies are vitually interested in establishing what year model should be named on an application for a certificate of title to each motor home without intentional fraud to the customer (user).

From the information now available, it appears conclusive that the dealer who sells the motor home must be provided a manufacturer's statement of origin from the manufacturer of the chassis and a manufacturer's statement of origin from the manufacturer of the motor home. When this vehicle, chassis and motor home, is registered with the Department of Revenue under the title law, the full disclosure principle will prevail. The manufacturer's statement of origin of the chassis manufacturer will be disclosed and the manufacturer's statement of origin of the motor home manufacturer will be disclosed; however, if the motor home was completed in 1977 on a new 1975 chassis, the model year for the chassis would be 1975 but the model year for the motor home would be as designated by the home or body manufacturer as the final stage manufacturer, thus the full disclosure to the Department of Revenue by all parties involved, i.e., manufacturer of the motor home, the manufacturer of the chassis and the dealer or seller of the motor home limits the possibility of fraud.

Thus, the principle of full disclosure in the instance of motor homes built on new chassis but of an earlier year than the year of completion of the motor home will satisfy the requirements under the Alabama Certificate of Title Law.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

April 15, 1976

Senator L. D. Owen, Jr.
Chairman, Finance and Taxation Committee
Room 207
CAPITOL

Colleges and Universities—Appropriations
Reversion of unencumbered appropriations by colleges and universities discussed.

Opinion by Assistant Attorney General Turner

Dear Senator Owen:

I have your request for an opinion of this office wherein you ask the following questions:

"1. Does Title 55, Section 104 of the Alabama Code apply to public colleges and universities receiving State funds from the Special Education Trust Fund?

"2. If the answer to question #1 is in the affirmative, should unexpended and unencumbered funds appropriated from the Special Education Trust Fund to a college or university for a given fiscal year for purposes other than capital outlay, revert to the Special Education Trust Fund at the end of the fiscal year in question?

"3. What is the proper course for recovering funds, that should have reverted back to the State, but which funds are currently held by the receiving institution?

"4. Is there any legal justification for the transfer of funds appropriated for operational and maintenance purposes by a college and university to a capital outlay account without legislative approval allowing such transfer?

"5. If the answer to question #4 is in the negative, what is the legal responsibilities of the institution in question concerning repayment of the funds?"

Title 55, Section 104, Code of Alabama 1940, Recompiled 1958, states:

"All unencumbered balances of all appropriations shall revert to the state treasury at the end of each fiscal year and to the credit of the general fund or the special fund from which the appropriation or appropriations were made. Appropriations for the purchase of land or the erection of buildings or new constructions shall continue in force until the attainment of the object or the completion of the work for which such appropriations are made."

This statute contains no exception with respect to public colleges and universities but states that **all** unencumbered balances of **all** appropriations shall revert in the manner set out. It should be noted, however, that the statute, by its terms, applies only to "unencumbered balances" and only to "appropriations." Lawfully incurred claims that have been made and incurred within the estimated budget may be paid within reasonable time after the close of the fiscal year and, as in the case of our appropriation from the general fund, the balance thereafter remaining in the Treasury reverts to that fund. **Baker v. Singleton,** 237 Ala. 394, 187 So. 478 (1939). Nonappropriated funds are not within the coverage of the statute. Title 55, Section 103, Code of Alabama 1940, Recompiled 1958. Your first question is answered in the affirmative as to appropriated funds.

Your second inquiry concerns reversion to the Special Education Trust Fund of unexpended and unencumbered funds appropriated from this Fund for a given fiscal year for purposes other than capital outlay.

As set out above, such unencumbered balances of all appropriations are subject to the provisions of Section 104, supra, and your second question is answered in the affirmative. However, appropriated funds are to be distinguished from nonappropriated funds in this regard. Title 55, Section 103, states in part, as follows:

> ". . . Anything herein to the contrary not withstanding, however, this article shall not apply to the fees, receipts and income (other than appropriations) of the department of conservation, the department of agriculture and industries, or any educational, correctional or eleemosynary institutions or to any endowment or trust fund or gifts to any such institutions or to the income from such endowments or trust funds, or to private funds belonging to students or inmates of such institutions, nor shall such funds be subject to any allotment under this article or be taken into consideration in making any allotment or prorating of appropriations under this article, and all appropriations made to any such institutions are hereby declared to be in addition to such fees, receipts and other income, and all allotments from such appropriations shall be paid over to such institution, and when such allotments are received by such institutions, the same shall be deposited in any bank or banks in the state of Alabama, which have been duly designated and qualified as state depositories, for the use and benefit of such institution and such funds shall be available only on the check of such institution depositing them, which is hereby authorized to withdraw such funds at its discretion.'

This statute specifically excepts from the requirements of the budget article all fees, receipts and income of an educational institution other than appropriations; and affirmatively requires that such funds shall not be subject to any allotment, or be taken into consideration in making any allotment or proration; and that appropriations be considered to be in addition to such fees, receipts and other income. Allotments from appropriations are to be paid over to the educational institution and shall be deposited in banks in the State of Alabama, that have been designated as State depositories, for the use and benefit of the institution. The institution is expressly authorized to withdraw such funds at its discretion. Thus, the statute recognize two types of funds of State educational institutions, viz., appropriated funds and all other funds of the institution. The latter are specifically excluded from any of the provisions of Article 3, including Section 104. The former are subject to the provisions of Section 104, subject to the conditions of Section 103. See also Quarterly Report of Attorney General, Volume 76, page 63; and Quarterly Report of Attorney General, Volume 144, page 18.

Under the constitutional or statutory provisions creating them, the governing bodies of educational institutions have broad authority in the management and control of their institutions. See, e.g., Section 264, and Amendment 161, Constitution of Alabama 1901; **Gerson v.**

Howard, 246 Ala. 567, 2 1 So. 2d 693 (1945); **Cox v. Board of Trustees of the University of Alabama**, 161 Ala. 639, 49 So. 814 (1909). Opinions of the Attorney General that have affirmed the authority of these Boards of Trustees to manage and control the affairs of their institutions include Biennial Report of Attorney General 1918-20, pages 445 and 474, Biennial Report of Attorney General 1920-22, page 317; Quarterly Report of Attorney General, Volume 49, page 123; Quarterly Report of Attorney General, Volume 76, page 63; and Quarterly Report of Attorney General, Volume 144, page 18. Moreover, Section 103, supra, specifically provides that ". . . all appropriations made to any such institutions are hereby declared to be in addition to such fees, receipts and other income," and that such institution ". . . is hereby authorized to withdraw such (appropriated) funds **at its discretion.**" (Emphasis supplied.) Such being the case, no "unencumbered balances" or surplus appropriated funds would exist unless the amount of appropriations for operation and maintenance expenses in a fiscal year exceeds expenditures for such operation and maintenance in that year.

This interpretation has been generally accepted for many years. Educational institutions have carried forward from year to year balances of nonappropriated funds in their operation and maintenance accounts. They have also made transfers of nonappropriated funds from these accounts for capital purposes. Such practices have enabled these institutions to improve the quality of educational programs and services available to the citizens of Alabama, and have been instrumental in securing for Alabama educational institutions substantial funds from nontax sources. These practices have been approved in numerous audits by the Department of Examiners of Public Accounts and have been recognized by the State Budget Officer. No unencumbered balances of appropriations have been found to exist where an institution spends more from its operation and maintenance account than the Legislature appropriates to it for such purposes.

Your third inquiry relates to the method of recovery of any funds that should revert to the State under Section 104. The answer to this question is contained in Title 55, Sections 106 and 107, as follows:

> "If the governor shall ascertain that any department, institution, bureau, board, commission or other state agency has used any of the moneys appropriated to it for any purpose other than that for which the money was appropriated, budgeted and allotted and not in strict accordance with the provisions of law, the governor shall have the power and he is hereby authorized to suspend all appropriations and allotments to such department, institution, bureau, board, commission or other state agency until and after such amounts diverted or wrongfully expended have been replaced."
>
> "A wilful and knowing refusal to perform any of the requirements of this article or a wilful and knowing refusal to perform any rule or requirement or request of the governor, director of finance or the budget officer made pursuant to

or under authority of this article by any trustee, commissioner, director, manager, building committee, or other officer or person connected with any department, board, bureau, commission, agency, office or institutions of the state, shall subject the offender to a penalty of two hundred and fifty dollars to be recovered, in an action instituted in the circuit court of Montgomery county by the attorney general, for the use of the state of Alabama and shall also constitute a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court, and shall subject such offender to dismissal from office by the person, department, board, bureau, commission, agency, office, or institution of the state under which such offender holds office of appointment in accordance with the provisions of the merit system. If such offender be an officer elected by vote of the people, such offense shall be sufficient cause to subject the offender to impeachment. A refusal to perform any requirement of this article or an improper or illegal performance of any requirement of this article shall subject the budget officer or the director of finance to a penalty of five hundred dollars to be recovered in an action instituted in the circuit court of Montgomery by the attorney general for the use of the state of Alabama, and it shall also constitute a felony. A refusal to perform any of the requirements of this article, or an improper or illegal performance of any requirement of this article by the governor, shall make him subject to impeachment."

Your fourth inquiry concerns transfer of funds appropriated for operational and maintenance purposes to a capital outlay account. I find no legal authority for such a transfer of appropriated funds without legislative approval, and your question is answered in the negative. What has been said above concerning the distinction between appropriated and nonappropriated funds with respect to reversion, is also true of transfers from operation and maintenance to capital outlay accounts.

Your final question concerns that legal responsibility of an institution making such a prohibited transfer for repayment of the funds. In my opinion, where a determination is made in the manner set out in Sections 106 or 107, that appropriated funds have been wrongfully expended, the institution is responsible for repayment of such funds, and a wilful and knowing refusal to make such repayment would subject those individuals responsible to the penalties set out in Section 107.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

May 6, 1976

Honorable Wiley J. Hickman
Judge of Probate
Etowah County
County Courthouse

Gadsden, Alabama 35901
Probate Judges—Mortgage Tax
Procedure relating to the amount of mortgage tax due on certain documents filed containing an "open-end credit plan revolving loan agreement" discussed.

Opinion by Chief Asst. Atty. General Turner

Dear Judge Hickman:

I have your request for an opinion of this office relating to the amount of mortgage tax due on certain documents filed containing an "Open End Credit Plan-Revolving Loan Agreement."

Much consideration has been given to this problem in the last year by this office, the Revenue Department and the Department of Examiners of Public Accounts. Much of our problem results from the fact that the statutes that would seem to govern this type of an arrangement were written before the development of this procedure.

Briefly stated, the procedure follows this pattern. A prospective borrower goes to a lending institution and establishes a line of credit for some amount of money. It could be $20,000 or any figure above or below this. This means that the lender is willing to lend the borrower any amount up to that figure or any amount less than that figure. If the line is $20,000 the actual loan may be only $1,000 or $5,000 or $20,000 —anything up to $20,000. Also, any amount of up and down activity might take place within this range. The original loan might be $10,000, the borrower might then pay off $5,000 before obtaining an additional loan of $5,000, making the total again $10,000. As you can see, a great amount of activity can take place within the established limits of the loan.

The statute most directly on point is Title 51, Section 819(b), Code of Alabama 1940, as Recompiled 1958. That Section states:

> "(b) If any part of the indebtedness which the mortgagor or debtor in any instrument conveying any real property situated within this state, or any interest therein (other than fixtures under the Uniform Commercial Code) is authorized to incur under the terms of the instrument has not been, or will not be, presently incurred, at the time such instrument is offered for record, the tax shall be paid on the amount of indebtedness presently incurred, and the department of revenue, upon the petition of the owner of such instrument, or upon the petition of the agent or attorney of such owner, shall ascertain to its own satisfaction the amount then taxable, and

the amount to be incurred thereafter, and determine the amount upon which the tax shall be paid at the time such instrument is offered, and shall endorse its findings on such instrument. Upon the presentation of such instrument with such endorsement thereon, the judge of probate of any county in which the instrument is offered, upon the payment of the tax upon the amount so ascertained by the department of revenue, and the recording fees of the probate judge, shall accept the same for record. The department of revenue shall also require the owner of such instrument to execute a bond, in an amount sufficient to secure the state the privilege tax to become due and payable under this section upon the amount of the indebtedness to be incurred thereafter, such bond to be approved by the department of revenue and payable to the State of Alabama, and conditioned that the owner of such instrument will promptly report to said department of revenue and to the probate judge of the county where said instrument is first filed for record, whenever such owner or his successor in interest incurs any additional indebtedness thereunder, and the amount so incurred; and that the said owner of such instrument will pay or cause to be paid to the judge of probate of the county in which said instrument is first filed the privilege or license tax required under this section, upon the accural of any additional indebtedness, and the said owner of such instrument will report to the said probate judge and the department of revenue during the month of September of each year the amount of all indebtedness and all bonds, debentures, note or other form of indebtedness, incurred or certified and delivered under said instrument to such date, and the amount so certified and delivered during the preceding twelve months, and the aggregate of all such evidence of indebtedness certified and delivered under such instrument prior to such year. The bond executed to secure payment of the tax herein required shall cover a term of five years, and after the expiration of said term of five years, the owner of the instrument offered for record shall execute such further bond as may be required by the department of revenue covering the succeeding term of five years, and thereafter every term of five years, in the same manner so long as any of the indebtedness authorized to be incurred by such instrument has not been incurred with like condition and in such sum as the said department may prescribe."

As you can see this very complex statute places a burden on the Department of Revenue to consider each mortgage, establish an amount for the tax and approve a bond to insure future payments, if required. This statutory procedure could place an intolerable burden upon the Department if this system is widely used for this particular type of transaction. Therefore, the procedure set out below is applicable only to the "Open End Credit Plan—Revolving Loan Agreement" type of loan.

We have devised a procedure that in my opinion will protect the interests of the State and will be in keeping with the intent of the

statute but eliminate the necessity for each mortgage to be reviewed by the Department.

When the mortgage is presented to you for filing, the tax should be paid on the amount of the initial advance of the loan. Then in September of each year the lending company must certify to the probate judge and to the Department of Revenue the amount of activity and loans made during the year as required by the statute. The taxes due should then be paid to the probate judge with proof to the Department of Revenue.

In my judgment this will result in an increase in the amount of revenue paid in taxes and will provide the necessary safeguard for the State.

Additionally, the bond required by the statute must still be made payable to the State and approved by the Department of Revenue. Since this does appear to be a growing operation, it is my opinion that the Department might require one bond from each lending company in such an amount that would protect the State and assure prompt reporting and payment of taxes. It is also my opinion that the bond must have sufficient security to satisfy the Department of Revenue and prevent any loss in case of default.

This procedure has been presented to the Department of Revenue and has their approval.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

June 3, 1976

Honorable O. H. Florence
Judge of Probate
Jefferson County
110 Courthouse
Birmingham, Alabama 35203

Costs and Fees—Condemnation—
Probate Judges.
The fee due the Probate Judge by virtue of Title 11, Section 27, infra, is to be deducted from the money received by the Probate Judge.

Opinion by Assistant Attorney General DeBardelaben.

Dear Sir:

This letter is in response to your letter of May 19, 1976 which is as follows:

""Act Number 556 of the Regular Session of the State Legislature 1975, provided, among other things as follows:

" 'For any proceeding under the equity power of the probate court and for any other proceeding in the probate court or for receiving, keeping and paying out money or distributing money where there is no fee now allowed by law, the same fees shall be charged as are now allowed to the register in the circuit court as set out in Title 11, Section 27 of the 1940 Code of Alabama as amended, and recompiled in 1958, and any amendment thereto.'

"We will appreciate an official opinion by your office on the following question:

"Is the commission chargeable under this act a part of the cost to be paid by the condemnor or is it to be deducted from the awards to the property owners?"

The pertinent part of Title 11, Section 27, Code of Alabama 1940, Recompiled 1958, states:

"For receiving, keeping and paying out or distributing money, other than that arising from sales, on the first one thousand dollars, one and one-half percent; on all over one thousand dollars and not over five thousand dollars, one percent; on all over five thousand, not exceeding ten thousand dollars, one-half of one percent; and all over ten thousand dollars, one-fourth of one percent; receiving, keeping, and paying out money paid into court under a decree in favor of an administration ad litem, one-half of one percent on the amount so received and paid out . . ."

In Quarterly Report of the Attorney General, Volume 133, page 34, it was held that the commissions due a register by virtue of Title 11, Section 27, supra, are to be deducted from the money collected by the register and the balance thereof paid out or distributed to the proper parties. In view of this opinion, commissions due a probate judge by virtue of Title 11, Section 27, supra, are to be deducted from the money received by the probate judge in accordance with Title 11, Section 27, supra, unless specifically directed otherwise by the court in which the matter is adjudicated.

If this office may be of any further assistance in this matter, please let us know.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

June 4, 1976

Honorable Tommy Carter
Honorable Frank Riddick
Honorable Charles B. Martin
Honorable Wayland Cross
Honorable Lynn Greer
Honorable Richard Gregory
Honorable Wayne Moore
Honorable Robert E. Albright
Honorable Tommy Ed Roberts
Honorable Hartwell B. Lutz
Honorable Bill G. Smith
Alabama House of Representatives
Montgomery, Alabama

Nepotism—Colleges and Universities—Officers and Offices
Brother of Member of State Board of Education ineligible for appointment by Board to State Junior College Presidency

Opinion by Asst. Atty. Gen. Hamlett

Dear Sirs:

I have your letter in which you request an opinion from this office regarding several questions concerning the application of Alabama's Anti-Nepotism law, Title 55, §15 (1), to the possible appointment by the State Board of Education of a brother of a Board member to the position of Junior College President. In this regard you ask whether the appointment of a brother of a Board member would violate our anti-nepotism statute; whether the result woul d be different if the related Board member refrained from voting or cast a negative vote on the appointment; and whether the presence or absence of the related Board member would alter the result.

In my opinion, such an appointment could be invalid under our anti-nepotism statute. This result might not be altered by any of the circumstances which you have described.

As you are aware, Title 52, §509(96), Code of Alabama 1940, Recompiled 1958, as amended, delegates to the State Board of Education the authority and duty of appointing the presidents of our various state junior colleges. Therefore, the appointing authority for such positions is the State Board of Education.

Our anti-nepotism statute provides in pertinent part as follows:

> ". . . No officer or employee of the state or of any state department, board . . . or other agency of the state shall appoint any person related to him within the forth degree of affinity of affinity or consanguinity to any of its agencies. Any person related to the appointing authority within the prohibited degree will be ineligible to serve under the authority of such an appointment and any appointment so attempted shall be void."

Further, the statute sets a penalty for violation of these provisions. Therefore it is highly penal and as such should ordinarily be subject to strict rather than liberal construction.

Upon strict construction, the statute prohibits only appointments made by an individual state officer, employee, or member of a board. On its face, the statute does not seem to prohibit appointment or employment by a state board where the related Board member in no way participates in the appointment. Therefore, under this construction it might be possible for the brother of a member of the State Board of Education to be eligible for appointment to a junior college presidency where the related Board member either refrains from voting, casts a negative vote or is absent from the meeting at which the appointment would be made. However, the Alabama Supreme Court has in **Opinion of the Justices,** 285 So. 2d 87, looked beyond the facial construction of this statute to declare its meaning, intent and purpose. We must, in this instance, follow the court's example and do likewise.

In **Opinion of the Justices,** supra, the Alabama Supreme Court found that the intent of the anti-nepotism statute is to prohibit the appointment or employment of persons related to the appointing authority where such relative will serve in a subordinate job, position or office of profit in state government and that historically this has been the purpose of statutes. In applying this holding to the questions you have raised the brother of a member of the State Board of Education would remain in a subordinate position to the State Board, and his brother Board member, regardless of whether or not the related Board member participated in the appointment. Therefore, applying this construction to the statute, the brother of a member of the State Board of Education would be ineligible for appointment to the presidency of a state junior college under the jurisdiction and control of the State Board. Since the related brother is ineligible for the position, this ineligibility would not change even if the Board member brother did not participate in the appointment.

In conclusion, we deem it most inadvisable and possibly illegal under our state anti-nepotism statute for the State Board of Education to appoint a brother of a Board member to the position of junior college president. Such an appointment definitely violates the spirit and possibly the letter of the anti-nepotism law and should be avoided by both the related Board member and other members of the Board. This office would recommend that the educator in question seek promotion at some other institution where there could be no possible question of the propriety of the promotion.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

June 9, 1976

Honorable Hiram Pitts. President
Covington County Commission
Andalusia, Alabama 36420

Counties—Prisons and Prisoners—Taxation
County Commissions have a duty to provide adequate jail facilities for the county and may levy a county property tax subject to the limitations of Section 215 of the Constitution of Alabama or may levy a privilege or excise tax to obtain funds for the provision and maintenance of such jail facilities.

Opinion by Assistant Attorney General Stephens

Dear Mr. Pitts:

Your recent letter provided as follows:

"A Covington County Grand Jury has called upon the Covington County Commission to take steps toward remedying what it considers inadequate jail facilities for the County.

"Title 12, Section 189, Code of Alabama, 1940, makes it the duty of the County Commission to levy a County tax for the erection of a jail if there is not adequate jail facilities in the County. Section 191 of Title 12 is also special authorization to levy a tax. In fact, Section 190 apparently makes it a misdemeanor for a member of the Commission not to vote for such tax if such a need for a County Jail actually exists.

"Covington County now levies and collects .75 percent tax on the taxable property of the County as provided by Section 215 of the Constitution of Alabama. .25 percent of this tax is imposed by authority of Title 12, Section 18, Code of Alabama 1940.

"The question we wish you to resolve is whether Covington County Commission has authority to levy an additional special tax for the construction or renovation of a County Jail."

It is my opinion that the County Commision does have a duty to provide adequate jail facilities for the county and that the County Commission may levy a county tax to obtain funds for the construction and maintenance of such facilities. Title 12, Section 189, Code of Alabama 1940, Recompiled 1958, provides:

"§189. Tax for building or repairing jail; proposals for same.—It is the duty of the court of county commissioners of each county, if there is not a sufficient jail in their county, to levy a county tax for the erection thereof, and cause proposals to be issued for building or repairing the same, within twelve months thereafter."

Title 12, Section 190, Code of Alabama 1940, Recompiled 1958, provides:

> "§190. Failure of commissioners, board of revenue or similar governing body to levy tax to rebuild jail.—If any court of county commissioners, board of revenue or similar governing body fails to levy a tax to erect or repair a county jail, when necessary, the persons composing such court, board, or body are severally guilty of a misdemeanor, and must, on conviction, be fined not less than fifty dollars; but any member thereof may exonerate himself from such fine by proving that he was in favor of levying a tax sufficient for the erection or repair of the county jail, but was overruled by his colleagues."

These sections seem quite clear in their directive to the county commissions to provide adequate jail facilities in the county.

Sections 189 and 190, however, being legislative enactments are subject to the limitations imposed by our State Constitution, specifically Section 215 of the Constitution of the State of Alabama. Section 215 limits the rate of property taxation which may be imposed by each county for county purposes. Your letter indicates that Covington County already levies the maximum property tax permitted by Section 215. However, Section 215 does not apply to privilege or excise taxes and the county may levy such taxes for the purpose of constructing and maintaining adequate jail facilities. See **Bonds v. State Department of Revenue,** 254 Ala. 553, 49 So. 2d 280.

Specifically in answer to your question, it is my opinion that the Covington County Commission does have authority to levy an additional special tax for the construction or renovation of a county jail, provided such tax is a privilege or excise tax and not a property tax.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

June 11, 1976

Honorable Francis Falkenburg
Member
House of Representatives
3001 Argyle Road
Birmingham, Alabama 35213

Costs and Fees—Judicial Article.
Costs and fees chargeable in civil cases.

Opinion by Assistant Attorney General DeBardelaben

Dear Sir:

This letter is in response to your letter of May 18, 1976 in which you ask several questions concerning the fees chargeable in civil cases by virtue of Act No. 1205, Acts of Alabama 1975, approved October 10, 1975.

Your first question asks:

> "Is the amount of the court costs to be paid by the plaintiff limited to the docket fees as provided in Sections 16-110 and 16-111 and the additional fees as provided in Section 16-113?"

The answer to your first question is in the negative. As pointed out in your letter, docket fees for civil cases are authorized by Section 16-110 and 16-111, Act No. 1205, supra, and additional fees to be collected in civil cases are authorized by Section 16-113, Act No. 1205, supra. However, Section 16-109 (b), Act No. 1205, supra, allows fees to be imposed in certain instances by Supreme Court rule or by law. Therefore, the court cost to be paid by the plaintiff is the applicable fees authorized by Sections 16-109 (b), 16-110, 16-111, and 16-113, Act No. 1205, supra.

Your second question asks:

> "Are the court costs to be assessed against the unsuccessful defendant in subsection (b), Section 16-116 limited to those fees as set out in question number 1 above?"

The answer to your second question is in the negative. Section 16-116 (b), Act No. 1205, supra, states:

> "A plaintiff may have execution against a defendant for prepaid fees assessed as costs against a defendant by a final judgment."

In addition to those fees authorized by Section 16-110, 111, and 113, Act No. 1205, supra, there may be prepaid fees allowed by Section 16-109 (b), Act No. 1205, supra.

Your third question asks:

> "Are the fees to be paid to constables and coroners for services in connection with the District and Circuit Court proceedings and to be paid by the county as provided in subsection (d) of 16-113 limited to fees for the service of process and to the post-judgment fees as provided in subsection (c) of 16-113?"

The answer to your third question is in the negative. Section 16-113 (c), Act No. 1205, supra, states:

> **"Post-judgment fees.** There shall be collected a fee for the initiation of each of the following post-judgment proceedings: attachment, garnishment and execution. The fee for each such proceeding shall be paid at the time the proceeding is initiated.

> The amounts of the post-judgment fees are: nine dollars for attachment, nine dollars for garnishment and five dollars for execution." (Emphasis added)

Section 16-113(d), Act No. 1205, supra, states:

> **"Additional post-judgment fees paid by county.** Fees due to constables and coroners for services in connection with district and circuit court proceedings shall be payable from the county treasury upon a sworn statement certified by the circuit clerk and shall not affect the collection and distribution of uniform fees." (Emphasis Added)

As can be seen from the above emphasis, Section 16-113 (c), Act No. 1205, supra, is for post-judgment fees and Section 16-113 (d), Act No. 1205, supra, is for additional post-judgment fees paid by the county. Constable's fees are specified in Title 11, Section 92, Code of Alabama 1940, as amended by Section 16-150, Act No. 1205, supra. Coroner's fees are specified in Title 11, Section 94, Code of Alabama 1940, as amended by Section 16-152, Act No. 1205, supra. The only provision for payment of coroner and constable fees is that the county shall pay the fees from the county treasury. Thus, the county may pay the constable fees and coroner fees from any fund in the count y treasury that is not otherwise limited by law.

Your fourth question asks:

> "Does Amendment 11 of the 1901 Constitution give the Legislature to (the) power by general or local law to fix a fee system in the Circuit Court and District Courts of Jefferson County, Alabama different from the Uniform Fee System provided by Section 16-109 and following of said Act No. 1205?"

The answer to your fourth question is in the negative. Act No. 1051, Acts of Alabama 1973, page 1676, proposed an amendment to the Constitution of Alabama 1901 to create a unified judicial system for the State of Alabama. The amendment, commonly referred to as the Judicial Article, was ratified by the voters on December 18, 1973 and became Amendment No. 328, Constitution of Alabama 1901, and was implemented by Act No. 1205, supra. Section 6.21 (h) of the Judicial Article states:

> "Except to the extent inconsistent with the provisions of this Article, all provisions of law and rules of court in force on the effective date of this Article shall continue in effect until superseded in the manner authorized by the Constitution."

Amendment 2 of the Constitution of Alabama 1901 authorizes the legislature to fix, regulate and alter the costs and charges of courts, fees, commissions, allowances or salaries to be charged or received by any county officer of Jefferson County. However, Article 7 of Act No. 1205, supra, provides that all court officials and employees shall become state officials and employees. Therefore, since the court personnel will

not be employees of Jefferson County, Amendment 2 of the Constitution of Alabama 1901 confers no authority upon the legislature to set or fix a fee system that is different from the uniform fee system as provided by Act No. 1205, supra. It is my opinion that the part of Amendment 2 of the Constitution of Alabama 1901 which is in conflict with the Judicial Article is, by implication, repealed.

If this office may be of any further assistance in this matter, please let us know.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

June 22, 1976

Thomas A. Jernigan, Chairman
Montgomery County Board of Registrars
Montgomery County Courthouse
Montgomery, Alabama, 36109

Boards of Registrars—Notices in newspapers—Liability for costs
Pursuant to Title 17, § 37, Code of Alabama 1940 (Recompiled 1958) the State of Alabama is liable for the cost of publishing notice of those who are to be stricken from voting lists, including those convicted of crimes mentioned in Section 82 of the Constitution as required by Title 17, § 44 and 46, Code of Alabama 1940 (Recompiled 1958).

Opinion by Asst. Atty. Gen. Ward

Dear Mr. Jernigan:

This is to acknowledge receipt of your letter of March 15, 1976 in which you requested an opinion as to who is liable for the cost of placing notice in a newspaper of those who have been convicted of a crime requiring disqualification from voting. The answer to your question is the State is liable for this expense.

The election laws of Alabama make it **mandatory** upon the County Board of Registrars to give notice in some newspaper published in the county of the names of those individuals proposed to be stricken from the voting and registration lists. Title 17, § 46, Code of Alabama 1940 (Recompiled 1958). This section provides:

> **"Notice and hearing when names are to be stricken from list.**—When the name of any elector is proposed to be stricken from the registration list, unless he or she is dead or is a nonresident of the state, notice shall be issued to him or her by the board of registrars, citing him or her to appear before the

board on the second Monday in February, following, and show cause why his or her name should not be stricken from the list. Said notice shall be served by the sheriff at least five days before the second Monday in February. The board of registrars shall in addition to the above notice give notice in some newspaper published in the county by one insertion."

A preceding section, Title 17, § 44, Code of Alabama 1940 (Recompiled 1958), provides that all those who have been convicted of a crime mentioned in section 82 of the Constitution shall be stricken from the list. Consequently, the names of those convicted of crimes enumerated in section 82 of the Constitution would have to be included in the notice to be published as mandated by Title 17, § 46, supra.

It is readily observed that the boards of registrars are **required** to give notice, said notice including convicted persons, by Title 17, § 46, supra. Since the notice is required, the State of Alabama is liable for its expense. This is plainly and simply outlined in Title 17, § 37, Code of Alabama 1940 (Recompiled 1958) which provides:

> **"Registration books, forms and blanks furnished by secretary of state.—The department of finance shall, at the expense of the state,** have prepared and furnished to the secretary of state and by him to be furnished to the registrars and judges of probate in the several counties a sufficient number of registration books and blank forms of oath, certificates of registration, **and of notices required to be given by registrars. The cost of the publication of the notices required to be given by the registrars shall be paid by the state, the bills therefor to be rendered to the director of finance and approved by him."** (Emphasis Added.)

As the statute indicates, the bill for the cost of the publication of the notice should be rendered to the director of finance for payment.

I trust this satisfactorily answers your question. If you have any further questions or problems, do not hesitate to let me know.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

June 30, 1976

Honorable E. C. Dothard
Director
Department of Public Safety
State of Alabama
Public Safety Building
Montgomery, Alabama 36130

Public Safety Department—Drivers Licenses—
Probate Judges—Costs and Fees.
Issuance of duplicate driver license discussed.

Opinion by Asst. Atty. General Brunson

Dear Colonel Dothard:

Reference is made to your letter of June 10, 1976, in which you request an opinion of this office. Your letter of request reads as follows:

> "Please assist this department in resolving questions which have arisen concerning Act 539, 1975 Regular Session and Section 74, Title 36, Code of Alabama as amended. The following questions need to be answered to insure proper planning and orderly implementation of Act 539, the Picture Driver License Act.
>
> "1) Section 74, Title 36, provides in part that 'application for such duplicate will be made to the Director of Public Safety on forms provided by him. The said fee shall be collected by the director paid into the State Treasury and credited to the Department of Public Safety.' The fee for the first duplicate is $1.50 and for second and subsequent duplicates a $4.00 payment is required. Section 49, Act 539 requires the probate judge or license commissioner to take a color photo of the license. Since a duplicate license with picture attached will have to be processed and issued in the county where a licensee applies instead of issuance by mail from Department of Public Safety headquarters, may the probate judge or license commissioner properly collect the duplicate fees authorized by Section 74?
>
> "2) Section 7 of Act 539 permits the probate judge to retain fifty cents of the total fee collected for each driver license or identification card issued by him. If the probate judge is authorized to collect the duplicate fee, then is he permitted to collect an additional fifty cents above the amount specified in Section 74 as an issuance fee?"

Your first question is answered in the affirmative. Although Act 539, 1975 Regular Session, does not provide for duplicate licenses specifically, Section 4 does provide that all such licenses, identification cards and renewals thereof shall be issued by the judge of probate or license commissioner of the county in which the licensee resides. The probate judge or license commissioner may collect the fee for duplicate license and the amount will be $1.50 for the first duplicate and $4.00 for each subsequent duplicate as provided by Title 36, Section 74, Code of Alabama 1940, Recompiled 1958 (Amended 1973).

Your second question is answered in the negative. Act 539, supra, provides for the probate judge to deliver to the treasurer the amount of all such fees collected less (50c) fifty cents for each driver license

or identification card issued, which sum shall be retained by him. Title 36, Section 74, supra, allows only $1.50 for the first and $4.00 for each subsequent duplicate to be collected as fees.

Therefore, the (50c) fifty cents retained by the probate judge must come from the fees collected and not an additional (50c) fifty cents above the amount provided in Title 34, Section 74.

It is hoped this opinion sufficiently answers your request.

Very truly yors,

WILLIAM J. BAXLEY
Attorney General

INFORMAL OPINIONS

During the period April 1, 1976 through June 30, 1976 the Attorney General rendered the following informal opinions.

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Wine Wholesalers—Sale to Retailers	Joseph W. Adams	Apr. 20	ABC Board
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Ad Valorem Exemption—Charitable Trust—Golf Course	James E. Witherington	June 24	213
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Court Reporter—Office Supplies	L. J. Tyner	June 28	293
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Ethics Commission—Violation Of State Constitution—Cannot Consider	Melvin G. Cooper	Apr. 23	Ethics Comm.
ETOWAH COUNTY			
County Funds—County Expenses Preferred	David B. Carnes	May 26	334
Etowah County—Constable Paid By County	David B. Carnes	Apr. 27	334
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Farmers Exchange of Russellville—Cooperative—Ad Valorem Exemption	Leonard O. Allen, Jr.	Apr. 29	221
Volunteer Fire Depts.—Taxation Exemption	Ina H. Becker	June 10	79
Ad Valorem Exemption—Charitable Trust—Golf Course	James E. Witherington	June 24	213
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Sheriff's Personal Car—Mileage Allowance	Glen Demastus	May 12	103

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Retirement Systems—Payment Of Expenses	David G. Bonner	June 9	Retire. Systems
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FARMERS			
Farmers Exchange of Russellville—Cooperative—Ad Valorem Exemption	Leonard O. Allen, Jr.	Apr. 29	221
Recording Fee—Farmers' Cooperative	John M. Puryear	May 27	265
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Deed Tax—Execution of Will	Walker Hobbie, Jr.	June 14	10
Deed of Conveyance—From Agent to Partnership	John L. Moore	May 18	99
FINANCE DEPARTMENT			
New Drivers License Act—Implementation—Bid Laws	James R. Solomon, Jr.	June 17	Finance Dept.
FUNDS			
County Funds—Private Corporation	W. D. Johnston	May 3	196
Town Contract—Private Fire Department	Oscar Tate	Apr. 16	229
Sale of Checks Act—Use of Funds	Thomas L. Krebs	May 28	Securities Comm.
County Budget—Local Affairs Priority—Over State	Hubert Taylor	May 31	253
State Bar Association—Certain Fees May Be Retained	Reginald T. Hamner	June 21	Alabama State Bar Assoc.
City Funds—Housing Authority	Wm. H. McDermott	June 24	276
Occupational Information System—	David E. Sawyer	June 28	Occupational

			Info. System
Income Disbursement			
County Employee—Medical Expenses	Berneal Brock	May 26	310
County Funds—Extend City Sewer Lines	Marshall Prickett	May 31	320
Post Office—City Opposes—Legal Expenses	James M. Henson	May 19	331
County Funds—County Expenses Preferred	David B. Carnes	May 26	334

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GARNISHMENTS			
Garnishments—State Is Never Defendant	Leon Kennedy	June 14	252
GAS DISTRICTS			
Gas Districts—Competitive Bid Law	John M. Tyson	Apr. 21	191
GOVERNOR			
Cited Appropriations Bill—Unconstitutional	Dudley Perry	June 29	53

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HEALTH & HEALTH DEPTS.			
State Board of Health—Subdivision Authority—County Boards of Health	George E. Hardy	May 24	214
HIGHWAY DEPARTMENT			
Highway Dept.—Advertising—Interstate Highways	Ray D. Bass	May 28	Highway Dept.
City of Linden—Traffic Signal—Highway Dept.	Wade Drinkard	June 10	247
Highway Dept.—Lease-Purchase Agreement	Ray D. Bass	June 9	Highway Dept.
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Liability—Hospitals—Trust Fund	Alan Koch	Apr. 27	Hospital Assoc.

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Liability—Hospitals—Trust Fund	Alan Koch	Apr. 27	Hospital Assoc.
County Hospital Board—Employee Related—Nepotism	Jack Bains	May 26	112
City Medical Clinic Board—County Cannot Contribute	Alton L. Turner	June 3	208
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City Funds—Housing Authority	Wm. H. McDermott	June 24	276
Housing Authority Member—Candidate For City Council	F. D. Gray	June 29	27
HUNTSVILLE, CITY OF			
Huntsville Taxi Ordinance—Unconstitutional	Bill G. King	Apr. 5	168
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INDUSTRIAL DEVELOPMENT BOARDS			
City Funds—Housing Authority	Wm. H. McDermott	June 24	276
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JACKSON COUNTY			
Jackson County—Vocational Teacher Units—Education Budget	Bethel Starkey	June 3	257
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Public Defenders—Act No. 1205, 1975 Regular Session	B. F. Lovelace	Apr. 23	217
Judicial Circuits—Boundary Establishment	Francis Falkenburg	June 9	243
Supernumerary Clerk—Clay County	O. B. Griffin	June 8	309
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LAW ENFORCEMENT			
Secret Service Agents—State Warrants—Cannot Serve	E. C. Dothard	Apr. 29	Public Safety
Reserve Deputies—Power Of Arrest— Minimum Standards Act	Melvin Bailey	Apr. 7	169
LEASES			
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Association of County Commissions—Self Insurance—Liability	O. H. Sharpless	Apr. 21	211
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Chatom Library—Gift of Oil and Gas Rights	Claire C. Ramsey	May 13	241
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Huntsville Taxi Ordinance—Unconstitutional	Bill G. King	Apr. 5	168
Auctioneers—No City License Fee	E. W. Patton	May 3	Auctioneers, Board of
Farmers Cooperative—Exempt From Taxation	Morgan Reynolds	Apr. 19	249

City of Saraland—Business License Ordinance	Lester L. McIntyre	June 24	280
Gross Receipts Tax—Sales Outside City	Matthew Heron	June 23	285

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Deputy Circuit Clerk—Madison County—Appointed	Agnes Baggett	Apr. 19	Sec. of State

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Coal Mining—Exempt From Severance Tax	Hugh D. Farris	Apr. 19	239
City of Dothan—Injury Insurance—Workmen's Compensation	Wade H. Baxley	May 19	242
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City Councilman—Family Owned Corporation—No Business With City	Randall C. Morgan	June 9	210
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City Contract—Service Company—City Employee Part Owner	Arnold Teks	May 19	250
Post Office—City Opposes—Legal Expenses	James M. Henson	May 19	331
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County Hospital Board—Employee Related—Nepotism	Jack Baines	May 26	112
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NONSUPPORT			
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NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS			
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NURSING HOMES			
Nursing Home Administrators—Advisory Council	George E. Hutchinson	June 29	Nursing Home Administrators
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OCCUPATIONAL INFORMATION SYSTEM			
Occupational Information System—Income Disbursement	David E. Sawyer	June 28	Occupational Info. System

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OFFICERS & OFFICES			
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Mayor May Vote Twice—Cities Under 12,000	Robert S. Vance	May 12	219
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Coal Mining—Exempt From Severance Tax	Hugh D. Farris	Apr. 19	239
Farmers Cooperative—Exempt From Taxation	Morgan Reynolds	Apr. 19	249
City of Saraland—Business License Ordinance	Lester L. McIntyre	June 24	280
Gross Receipts Tax—Sales Outside City	Matthew Heron	June 23	285
Mtn. Brook—Business License Code—Controlled By Title 51, Section 429	W. R. Merrill	June 22	297
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PARDONS & PAROLES, BOARD OF			
Pardons & Paroles Board—Restoration of Rights—Federal Convictions	William R. Robinson Sara C. Sellers	May 27	Pardons & Paroles

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PROBATE JUDGES			
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Driver Licenses—Application—Identification	E. C. Dothard	June 29	Public Safety Dept.
PUBLIC SERVICE COMMISSION			
Sylacauga Utilities Board—No Secret Meetings	Jim Zeigler	June 1	Public Service Comm.
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REAPPRAISAL			
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Reappraisal—Computer Software—No Bids	Charles A. Boswell	June 29	Revenue Dept.

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Retirement Systems—Payment of Expenses	David G. Bronner	June 9	Retire. Systems
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SECURITIES COMMISSION			
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Sheriff's Personal Car—Mileage Allowance	Glen Demastus	May 12	103
Misdeamonor Bail Bond—Authority & Approval	James C. Morgan	June 25	290

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SOLICITOR'S FUND			
Solicitor's Fund—Stenographic Services—Nonsupport Proceedings	Robert M. Field	Apr. 1	23
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TAX ASSESSORS			
American Legion Property—Leased—Tax Exempt Foundation	James E. Witherington	Apr. 30	213
TAX COLLECTORS			
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TAX SALES			
Tax Collector—Deputy May Conduct Tax Sale	F. D. Gray	June 3	27

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Coal Mining—Exempt From Severance Tax	Hugh D. Farris	Apr. 19	239
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Septic Tanks—No Sales Tax Exemption	Wade H. Baxley	May 13	242
TEACHERS			
Teacher Tenure—Employed Part of Year	J. R. Pittard	Apr. 19	200
TENURE COMMISSION			
Teacher Tenure—Employed Part of Year	J. R. Pittard	Apr. 19	200
TOXICOLOGY DEPARTMENT			
State Agency—Cannot Trade-In Equipment	C. J. Rehling	May 11	Toxicology Dept.
TREASURER, STATE			
State Treasurer—Bearer Bonds—Registered Bonds	Melba Till Allen	May 28	Treasurer, State
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UNIVERSITY OF ALABAMA			
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Gross Receipts Utility Tax—Applies to State Agencies	Claude D. Kelley	May 17	Conservation Dept.
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VETERANS AFFAIRS, DEPT. OF			
Dept. of Veterans Affairs—Free Tuition—Eligible Dependents	Walter C. Head, Jr.	June 15	Veterans Affairs
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Volunteer Fire Depts.—Taxation Exemption	Ina H. Becker	June 10	79
VOTER REGISTRATION			
Pardons & Paroles Board—Restoration of Rights—Federal Convictions	William R. Robinson Sara C. Sellers	May 27	Pardons & Paroles
VOTERS			
Town of Loachapoka—Annexation—New Residents May Vote	Gussie R. Calhoun	June 29	259
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Secret Service Agents—State Warrants—Cannot Serve	E. C. Dothard	Apr. 29	Public Safety

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Wine Wholesalers—Sale To Retailers	Joseph W. Adams	Apr. 20	ABC Board
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Association of County Commissions—Self Insurance—Liability	O. H. Sharpless	Apr. 21	211
City of Dothan—Injury Insurance—Workmen's Compensation	Wade H. Baxley	May 19	242
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ZONING			
Zoning Laws—Amendment	Terry G. Snow	May 19	281